

### REMARKS

This application has been reviewed in light of the Office Action dated November 18, 2003, and based on a telephone interview conducted on January 20, 2004 by one of Applicant's attorneys with Examiner Boutsikaris. Claims 1-24 are pending in this application, with Claims 1-15 having been previously allowed in the Notice of Allowance dated June 25, 2003. Claims 16, 18-20, and 23 have been amended to define still more clearly what Applicant regards as his invention. Claims 1, 16, 20, and 23 are in independent form.

The Examiner withdrew Claims 16-24 as being directed to a non-elected species of the claimed invention, stating that Species I, drawn to allowed Claims 1-15, refers to a diffractive optical element that includes, for example, a first grating and a second grating, where the thickness of the first grating is smaller than the thickness of the second grating. Applicant has amended Claims 16, 20, and 23 to include this feature in the claims, and therefore respectfully request examination of Claims 16-24 along with the examination of Claims 1-15 (Species I). (Support in the specification for this feature can be found at least from page 16, line 23, to page 17, line 16.<sup>1</sup>) In addition, Applicant submits that Claims 16, 20, and 23, and their dependent claims, are now allowable because they include the feature of a first grating having a thickness smaller than the thickness of a second grating.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

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<sup>1</sup>/It is to be understood, of course, that the scope of the claims is not limited to the details of this embodiment.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

Peter G. Thunberg  
Attorney for Applicant

Registration No. 47,138

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

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